

SUMMARY MINUTES
Regular City Commission Meeting
Thursday, January 13, 2005, 7:30 p.m.
City of Sunny Isles Beach, Florida

<p><u>ATTENTION ALL LOBBYISTS: CITY LAW REQUIRES YOUR REGISTRATION PRIOR TO ENGAGING IN LOBBYING ACTIVITIES BEFORE CITY STAFF, BOARDS, COMMITTEES OR THE CITY COMMISSION. PLEASE CONTACT THE CITY CLERK FOR FORMS AND ADDITIONAL INFORMATION.</u></p>
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AGENDA

1. CALL TO ORDER/ROLL CALL OF MEMBERS

The meeting was called to order by Mayor Edelcup at 7:33 p.m., with the following officials present:

Mayor Norman S. Edelcup
Vice Mayor Lewis J. Thaler
Commissioner Roslyn Brezin
Commissioner Gerry Goodman
Commissioner Danny Iglesias

City Manager Christopher J. Russo
City Attorney Lynn Dannheisser
City Clerk Jane A. Hines

2. PLEDGE OF ALLEGIANCE/INVOCATION

Action: Henry Kay led the Pledge of Allegiance to the flag and Richard C. Schulman gave an invocation.

Mayor Edelcup and City Commission welcomed City Clerk Hines back and a speedy recovery, and wished everyone a Happy New Year and noted that we will be in the new City Hall next month.

3. APPROVAL OF MINUTES

None

4. ORDER OF BUSINESS (Additions/Deletions/Amendments)

- 4A.** Request to Hear Item 10A Out of Order as a Composite to 6A and 6B. Hand outs included Alternate Resolutions for 6A, 6B, and 10A; Additional information; Amendment to 10K; and Two Add-On Items 10M and 10N.

Action: Mayor Edelcup noted the above changes.

5. SPECIAL PRESENTATIONS

5A. Add-On

Presentation by the Miami-Dade County Fire Department to the City of Sunny Isles Beach Police Department.

Action: Mayor Edelcup introduced Stan Hills, President of the Metro-Dade Firefighters IAFF Local 1403, who stated that the Miami-Dade County Fire Department is working with the City and intends to rebuild Station 10 on 172nd Street as a modern three-bay station, and noted that they have to relocate the units while that process goes on. He also stated that they would like to locate a facility in the vicinity of 192nd Street and Collins Avenue so that the response time will be quicker in the northern end of the City. He asked the City to identify a site and they will build the station and provide the service. Mayor Edelcup said that a meeting will be arranged with the City Manager and City Attorney to explore what sites may be available at the north end of the City.

Mr. Hills praised the Sunny Isles Beach Police Officers and introduced Chief Tagoffolo a Battalion Commander, Capt. Floyd Jenkins and Lt. Abel Fernandez of Engine 63 in Aventura.

Lt Fernandez said he was the first to arrive at a boat fire on October 11, 2004 in Aventura at the Turnberry Yacht Marina, where a 52-foot vessel had broken away from its mooring and was in the process of coming into contact with a yacht. He said they called for a marine support unit and a Sunny Isles Beach Police Boat arrived immediately, and asked how they could help. Lt. Fernandez said the 52-foot vessel moved three times across the channel, and with the help of Sgt. Robert Randazzo and Police Officer Joe Alvarez they were able to secure it to start the extinguishment process, and bring the vessel to dockside. He said that the officers exhibited professionalism and heroic bravery that day and on behalf of the Metro-Dade Local 1403 Firefighters and Miami-Dade Fire Rescue, presented a plaque to Officer Alvarez and Sgt. Randazzo. Chief Maas thanked the Miami-Dade County Fire Department.

5B. Add-On

Presentation by Lee Liebman representing Ocean View to the Police Department.

Action: Mayor Edelcup introduced Lee Liebman who thanked the Commission and City Manager Russo for their efforts in getting the "S" Bus Route back. She also thanked Chief Maas for coming to their complex before hurricane season and giving them valuable information, and in appreciation she presented a check to Chief Maas. Chief Maas thanked Ms. Liebman and noted that the check would be used for the Public Safety and Advisory Council which is the support group for officers in time of need.

6. ZONING – Public Hearings

- 6A.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Accepting the Conveyance of Approximately 2.56 Acres of Real Property, Legally Described as Tract "D" of RK Marina Apartments Plat Book 157, Page 70, Owned by Porto Bellagio Partners, LLC**, in Accordance With and Subject to All of the Applicable Provisions of the City Code and Section 265-23 of the City's Land Development Regulations

("LDR's") Relating to Transfers of Development Rights ("TDR's"), Including but Not Limited to Sections 265-23.3 (c) and (e) and Section 265-23.4(c); Further Imposing Certain Conditions Prior to the City's Acceptance of the Property and Severance of the TDR's Prior to the Withdrawal of the TDR's from the TDR Bank, Applicant Shall Provide Security for the Funding of Park and Public Improvements; Further Authorizing the Mayor to Execute Such Other Documents and Agreements as May be Determined by the City Attorney to be Necessary to Consummate the Conveyance of the Property to the City, Sever Development Rights from the Property and Deposit Same to the Credit of the Applicant in the TDR Bank, Subsequent Withdrawal of Said Development Rights at the Request of and for the Benefit of the Applicant During the Five-Year Period Commencing with the Passage of this Resolution, and Recordation of Documentation; and Providing for an Effective Date.

6A.1 Alternate Resolution

A Resolution Of the City Commission of the City of Sunny Isles Beach, Florida, **Accepting the Conveyance of Approximately 2.417 Acres of Real Property, Legally Described in Exhibit "A", Owned by Porto Bellagio Partners, LLC**, in Accordance With and Subject to All of the Applicable Provisions of the City Code and Section 265-23 of the City's Land Development Regulations ("LDR's") Relating to Transfers of Development Rights ("TDR's"), Including But Not Limited to Sections 265-23.3 (c) and (e) and Section 265-23.4 (c); Further Imposing Certain Conditions Prior to the City's Acceptance of the Property and Severance of the TDR's; Further Authorizing the Mayor to Execute Such Other Documents and Agreements as May Be Determined by the City Attorney to be Necessary to Consummate the Conveyance of the Property to the City, Sever Development Rights from the Property and Deposit Same to the Credit of the Applicant in the TDR Bank, Subsequent Withdrawal of Said Development Rights at the Request of and for the Benefit of the Applicant During the Five Year Period Commencing with the Passage of this Resolution, and Recordation of Documentation; and Providing for an Effective Date.

Action: City Clerk Hines read the title and Shelley Eichner, Planner, reported and noted that this item would be heard with item 6B authorizing the transfer of development rights, and 10A to sever the Unity of Title for Tract D.

Mayor Edelcup said that this land would be of interest to the City to add to its park inventory however he said that under the Park Enhancement Bonus he would not want to accept this piece of property because he doesn't believe it is a top priority to the City but he would look at it under the Town Center Ordinance, and he asked the proponent to speak on this issue.

Public Speakers: Dave Metzner, Bradford Group; Audrey Bekoff; Phillip Chernoff; Henry Kay; Mary Ann Eicke; Irving Diamond; Kathleen Kennedy; Bud Scholl; Herb Abramson; Roz Fabian; Israel Pellot

Mr. Dave Metzner, Director of Development of the Bradford Group, the managing partner of Port Bellagio that owns the property in question, said that his company has agreed to split the base TDRs and have the City decide where they want to use [theirs] to benefit the City, and they will take their share [under the Town Center Underlying Zoning Ordinance] and will improve some of the properties in the City. Mayor Edelcup said if he understands

correctly, that what Mr. Metzner is offering is to accept half the amount of TDRs that they could otherwise obtain on this property [under the regular zoning] and donate half of those TDRs to the City and the City could then put them into their TDR inventory. He confirmed that Mr. Metzner would be willing to do that under the Town Center Ordinance Zoning provisions, and Mr. Metzner said that he would agree to that. Mayor Edelcup clarified that if the calculations were as given that we have approximately 400,000 square feet of TDRs under the Public Enhancement Bonus and that would drop to approximately 260,000 square feet under the Town Center Ordinance and of the 260,000 square feet, Mr. Metzner would gift to the City half of those or approximately 130,000 square feet or roughly \$6 Million, for the City to have in its TDR Bank to be used for whatever purposes the City so chooses to do with those TDRs, and Mr. Metzner said that is correct.

Commissioner Iglesias said that is very generous and that the City would certainly take what is given to them but he remembers back when this land was offered to the City and the City didn't want it because at that time it was land locked and pretty much useless but now he feels just the opposite now that the City has the Casino property and that strip has become very valuable. He believed that we should consider the property under the Park Enhancement Bonus. After discussion Commissioner Iglesias clarified that what he is saying is he accepts what Mr. Metzner is giving to the City but what he is also saying is that he thinks we should give the Park Enhancement Bonus the same amount and that Mr. Metzner relinquish that part that he wants to give to the City so we treat all developers equally if we want a piece of property. Mayor Edelcup said we have two ordinances on the books: one is for Park Enhancements and one is TDRs, and under the buildable situation for the area involved, and he said that part of the discretionary ability of this Commission is to weigh each piece of property when they are proffered to us as to which ordinance best serves the City at the time of accepting a piece of property, and agreed with Commissioner Iglesias that there are times that we should employ the Park Enhancement Bonus but disagreed that we don't have the discretionary ability to be able to use it when it is better to use the zoning for that particular area as opposed to the Park Enhancement Bonus. Commissioner Iglesias said he is in favor of this but, for the record, he would have liked to have done it the other way where we accept the Park Enhancement Bonus like we did the Casino Property. The Commission thanked Mr. Metzner for this gift to the City, and Mayor Edelcup opened the public hearing for public comment.

Mayor Edelcup passed the gavel and made a motion to amend the Resolution to read that this property is being offered to the City under the TDR Ordinance as prescribed by the Town Center Zoning Ordinance, in that the developer is making a gift to the City half of the total amount of TDRs whether stated in square feet or in dwelling units to the City of Sunny Isles Beach so that 50% going to City of Sunny Isles Beach will be part of the City's Bank of TDRs and the 50% going to the Developer will be in the Developer's Bank as administered by the City but as a separate bank and he has five (5) years in which to use those TDRs and come before the Commission as how they are going to be used. City Attorney Dannheisser asked for a second and noted that before there is a vote that she would like to do some housekeeping here, reiterate everything said, and add some items for approval. She said that first, in order to accept the conveyance of this Tract, we must take up Resolution No. 10A.1 which approves the release of remainder Tract D from the Unity of Title Agreement for

17070 Collins Avenue Shopping Center Limited. *[City Clerk's Note: See action under Item 10A.1.]*

City Attorney Dannheisser noted that Mayor Edelcup's motion is to accept the conveyance of approximately 2.417 acres which is plus or minus 105,289 square feet of real property owned by Porto Bellagio Partners, as park land, and approve the transfer of development rights from the property to the applicant's account in the TDR Bank in the amount of the underlined zoning (and not the public land enhancement bonus) of 2.5 FAR or 263,222 square feet and approximately 60 dwelling units per acre or 145 dwelling units in accordance with and subject to the applicable provisions of Section 265-23 of the City's Land Development Regulations related to transferable development rights, 50% of which will be transferred to the account of the City of Sunny Isles Beach, a closing to occur within approximately 30-days and conditioned on all of those conditions for acceptance which are listed in Section 2 of the Resolution and again the applicant as owner of Tract B to extinguish and sever all but 4.56 acres of density intensity of Tract B.

Mayor Edelcup passed the gavel and moved and Commissioner Iglesias seconded a **motion to approve the alternate resolution. Resolution No. 2005-754 was adopted by a voice vote of 5-0 in favor.**

- 6B.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing the **Transfer of Development Rights ("TDRs") from the Property Legally Described as Tract "D" of RK Marina Apartments Plat Book 157, Page 70, Owned by Porto Bellagio Partners, LLC**, in the Amount of 3.75 F.A.R. (419,111 Square Feet) and 80 Dwelling Units Per Acre (204 Dwelling Units) to the TDR Bank to Comply with the Requirements of Resolution No. _____; Directing the Planning and Zoning Administrator or Designee to Transfer the TDRs in Accordance with Resolution No. _____; Providing the City Manager with the Authority to Do All Things Necessary to Effectuate this Resolution; and Providing for an Effective Date.

6B.1 Alternate Resolution

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing the **Transfer of Development Rights ("TDRs") From the Property Legally Described in Exhibit "A", Owned by Porto Bellagio Partners, LLC**, in the Amount of 2.5 F.A.R. (263,222 Square Feet) and 60 Dwelling Units Per Acre (145 Dwelling Units) to the TDR Bank to Comply with the Requirements of Resolution No. 2005-754; Directing the Planning and Zoning Administrator or Designee to Transfer the TDRs; Providing the City Manager with the Authority to Do All Things Necessary to Effectuate this Resolution; and Providing for an Effective Date.

Additional Information: Application and Ownership Affidavit from Porto Bellagio Partners, LLC.

Action: *[City Clerk's Note: See action above under Item 6A.1]* City Clerk Hines read the title and Shelley Eichner, Planner, reported.

Mayor Edelcup passed the gavel and moved and Commissioner Iglesias seconded a **motion to approve the alternate resolution. Resolution No. 2005-755 was adopted by a voice vote of 5-0 in favor.**

7. ORDINANCES FOR FIRST READING

- 7A.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Chapter 104 Commonly Known as "**The Art in Public Places Ordinance**" to Require the Placement of Artwork on Private Property as Part of Site Plan Approval; Providing for Purpose; Providing for Definitions; Providing for Applicability; Providing for Exceptions; Providing for Repealer, Providing for Severability; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Attorney Dannheisser reported and noted that Mayor Edelcup requested this Ordinance. Mayor Edelcup noted that the cap is \$500,000.00 and basically this Ordinance makes it mandatory for the large projects to either put art in front of their development (through Site Plan Review) or give money to the City where art is to be placed in public places, it is either one or the other.

Public Speakers: none

Commissioner Goodman moved and Commissioner Brezin seconded a **motion to approve the proposal on first reading. The motion was approved by a roll call vote of 5-0 in favor. Second reading, public hearing will be held on Thursday, February 10, 2005, at 7:30 p.m.**

Vote:

Commissioner Brezin	<u>yes</u>
Commissioner Goodman	<u>yes</u>
Commissioner Iglesias	<u>yes</u>
Vice Mayor Thaler	<u>yes</u>
Mayor Edelcup	<u>yes</u>

- 7B.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Section 265-46 "**Off-Street Parking, Loading and Driveway Standards**" of the Land Development Regulations to Repeal Section 265-46a (2) (b) which Provided for a Parking "Buy-Down" Amending Section 265-46A(4) to Reduce Tandem Parking from 100% to 20%; Amending Section 265-46A(7) to Enlarge the Size of All Parking Spaces to No Less than Nine Feet; Providing for Inclusion in the Code; Providing for Severability; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Attorney Dannheisser reported and noted that Commissioner Goodman sponsored this Ordinance, and that the development community expressed that they are not happy with this Ordinance. Mayor Edelcup said that the developers can meet with staff between first and second reading if they need more information.

Commissioner Iglesias said he agreed that the 100% tandem should be readdressed with a

20%, but does not agree with the 9-feet, it is 8.5 feet now. Commissioner Goodman said that there are problems with parking at Winston Towers that when they were built, they did not think of the future, now people are buying apartments there that need three or four parking spaces; he said that when the buildings were built the tandem parking spaces could house the two cars, now the cars are sticking out beyond the driveway, so parking is a major problem. Commissioner Goodman said that if the construction industry does not supply parking, then Sunny Isles Beach will suffer because our streets are not conducive to parking and for the future of Sunny Isles Beach we have to protect the people who will be living here.

Public Speakers: Joseph Milton

Joseph Milton noted that valet parking was a standard way before tandem parking was created, and said he has no problem with reducing the tandem from 100% to 20%, but he does have a problem with the width of the spaces, he said that he can't find a city in Miami-Dade County that has 9-foot wide parking spaces for residential. He said he drives a Range Rover and has no problem parking in 8.5 foot spaces.

Vice Mayor Thaler said that parking is a problem in the newer buildings as well, and Mayor Edelcup said when we are approving a building, we are approving it for its lifetime of 50-60 years and we should provide enough parking spaces, and the 100% should be brought back to a realistic number, and suggested that between now and second reading that the development community and staff review the 8.5 and 9-foot situation and come back for second reading as to what is statistically happening in this County and Broward County and whether staff feels it is adequately protected with a 8.5 to 9-foot space.

Commissioner Brezin moved and Commissioner Iglesias seconded **a motion to approve the proposal on first reading. The motion was approved by a roll call vote of 5-0 in favor. Second reading, public hearing will be held on Thursday, February 10, 2005, at 7:30 p.m.**

Vote:	Commissioner Brezin	<u>yes</u>
	Commissioner Goodman	<u>yes</u>
	Commissioner Iglesias	<u>yes</u>
	Vice Mayor Thaler	<u>yes</u>
	Mayor Edelcup	<u>yes</u>

8. PUBLIC HEARINGS (Other than Ordinances for Second Reading)

None

9. ORDINANCES FOR SECOND READING (*Public Hearings*)

Sitting in as the Local Planning Agency and the City Commission, to Consider an Ordinance Amending the Land Development Regulations (LDRs)

9A.1 A Resolution of the Local Planning Agency of the City of Sunny Isles Beach, Florida, Recommending to the City Commission of Sunny Isles Beach, the Ordinance **Amending Section 265-11(F) of the Land Development Regulations, to Provide the City Commission With the Authority to Grant a Withdrawal of a Zoning Application With or Without Prejudice**; Providing for an Effective Date.

Action: City Clerk Hines read the title, and Mayor Edelcup reported.

Public Speakers: none

Commissioner Iglesias moved and Vice Mayor Thaler seconded the **motion. LPA Resolution No. 2005-25 was adopted by a voice vote of 5-0 in favor.**

9A.2 An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida **Amending Section 265-11(F) of the Code of Sunny Isles Beach, to Provide the City Commission With the Authority to Grant a Withdrawal of a Zoning Application With or Without Prejudice**; Providing for Severability; Providing for Repealer; Providing for Inclusion in the Code; and Providing for an Effective Date.

(First Reading 12/09/04)

Action: City Clerk Hines read the title, and City Attorney Dannheisser reported and noted that Commissioner Brezin sponsored this Ordinance.

Public Speakers: none

Commissioner Goodman moved and Vice Mayor Thaler seconded **a motion to adopt the ordinance, as amended. Ordinance No. 2005-219 was adopted by a roll call vote of 5-0 in favor.**

Vote:	Commissioner Brezin	<u>yes</u>
	Commissioner Goodman	<u>yes</u>
	Commissioner Iglesias	<u>yes</u>
	Vice Mayor Thaler	<u>yes</u>
	Mayor Edelcup	<u>yes</u>

9B.1 A Resolution of the Local Planning Agency of the City of Sunny Isles Beach, Florida, Recommending to the City Commission of Sunny Isles Beach, the Ordinance **Amending Section 265-58 (I) of the Land Development Regulations Relating to Temporary Construction Fencing**; Establishing General Standards for the Installation of Temporary Construction Fences; Providing for an Effective Date.

Action: City Clerk Hines read the title, and Mayor Edelcup reported.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Iglesias seconded the **motion. LPA Resolution No. 2005-26 was adopted by a voice vote of 5-0 in favor.**

9B.2 An Ordinance of the City of Sunny Isles Beach, Florida, Amending Section 265-58 (I) of the Land Development Regulations Relating to **Temporary Construction Fencing; Establishing General Standards for the Installation of Temporary Construction Fences; Prohibiting Certain Fences; Making this Ordinance Retroactive 90 Days and Allowing Compliance; Providing for a Repealer; Providing for Inclusion in the Code; Providing for Severability; and Providing for an Effective Date.**

(First Reading 12/09/04)

Action: City Clerk Hines read the title, and Building Official Clayton L. Parker reported. He said he can come up with the detail of what would be approved as far as the proper framing and tying down of the canvass and make that a part of all of the approvals.

Public Speakers: none

Commissioner Goodman moved and Vice Mayor Thaler seconded **a motion to adopt the ordinance, as amended. Ordinance No. 2005-220 was adopted by a roll call vote of 5-0 in favor.**

Vote:	Commissioner Brezin	<u>yes</u>
	Commissioner Goodman	<u>yes</u>
	Commissioner Iglesias	<u>yes</u>
	Vice Mayor Thaler	<u>yes</u>
	Mayor Edelcup	<u>yes</u>

10. RESOLUTIONS

10A. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving the **Release of Tract “D” from Unity of Title Agreement for 17070 Collins Avenue Shopping Center, Ltd.,** Legally Described as Tracts “A, B, C” and “D” of RK Marina Apartments Plat Book 157, Page 70; Providing the Mayor to Execute the Release and Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

10A.1 Alternate Resolution

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving the **Release of Remainder Tract “D” from Unity of Title Agreement for 17070 Collins Avenue Shopping Center, Ltd.,** Legally Described as Tracts “A”, “B”, “C” and “D” of RK Marina Apartments Plat Book 157 Page 70 and Accepting a Waiver/Extinguishment of Development/Density Rights, Attached Hereto as Exhibit “1”; Providing the Mayor to Execute the Release and Authorizing the City Manager to Do All Things Necessary to

Effectuate this Resolution; Providing for an Effective Date.

Action: [City Clerk's Note: Also see related action under 6A.1 and 6B.1.] City Attorney Dannheisser said that this Resolution approves the release of remainder Tract D from the Unity of Title Agreement for 17070 Collins Avenue Shopping Center Limited. City Attorney Dannheisser said that the swap that we are doing to release Tract D contains an Exhibit 2, a Waiver and Extinguishment of Development Rights on Tract B (less and except 4.56 acres). Other than the 4.56 of 17 acres of Tract B, this Tract B will be extinguished as part of and a condition of the release of Tract D from Unity of Title.

Commissioner Brezin moved and Commissioner Iglesias seconded a **motion to approve the alternate resolution. Resolution No. 2005-756 was adopted by a voice vote of 5-0 in favor.**

- 10B.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Extending the Time Required for La Mansion, L.L.C. to Obtain a Building Permit** Pursuant to Resolution No. 03-Z-75 in Accordance with Section 265-3B (6); Providing the City Manager with the Authority to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: [City Clerk's Note: Mayor Edelcup requested that this item be taken out of order and heard after Presentations]

Public Speakers: Stanley Price, Esq.

Stanley Price, Esq., reported that he represents Regalia and that they have sought an application under the Code to permit a one-year extension of the Building Permit because they have been in litigation since the approval of this project and have successfully defended the City's TDR Ordinance and bonus provisions and are now in the 3rd District Court of Appeal and in an administrative proceeding in the 1st District Appellant Division and would like the opportunity to negotiate a settlement with these neighbors or explore other alternative development schemes for this property which will take until June of 2006. Mayor Edelcup noted that the Resolution needs to reflect a date and it was amended to read "...not to go beyond June 1, 2006."

Commissioner Goodman moved and Commissioner Brezin seconded a **motion to approve the resolution, as amended. Resolution No. 2005-757 was adopted by a voice vote of 5-0 in favor.**

- 10C.** A Resolution of the City of Sunny Isles Beach, Florida, Approving **an Agreement with Rachlin Cohen & Holtz for Professional Auditing Services**, Attached Hereto as Exhibit "A", in the Amounts of \$34,000.00 for Fiscal Year 2004; \$35,700.00 for Fiscal Year 2005; and \$37,500.00 for Fiscal Year 2006; Authorizing the City Manager to Negotiate and

Execute the Agreement Attached as Exhibit "A"; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Manager Russo reported.

Public Speakers: none

Commissioner Goodman moved and Commissioner Brezin seconded a **motion to approve the resolution. Resolution No. 2005-758 was adopted by a voice vote of 5-0 in favor.**

- 10D.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing the City Manager and/or His Designee to Apply for, Receive, and Expend a **U.S. Department of Justice Local Law Enforcement Block Grant (LLEBG)** in the Amount of \$10,000.00, Representing \$6,427.00 in Grant Funds and \$3,573.00 in Matching City Funds; Further Authorizing the City Manager to Do All Things Necessary to Effectuate the Intent of this Resolution; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Manager Russo reported.

Public Speakers: none

Commissioner Brezin moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-759 was adopted by a voice vote of 5-0 in favor.**

- 10E.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing the **Chief of Police to Expend Forfeiture Funds** in the Amount of \$45,000.00, in Accordance with Section 932.7055, Florida Statutes, for the Purposes as Set Forth Herein; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Manager Russo reported.

Public Speakers: none

Commissioner Iglesias moved and Commissioner Brezin seconded a **motion to approve the resolution. Resolution No. 2005-760 was adopted by a voice vote of 5-0 in favor.**

- 10F.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Approving Agreements Between ISN Wireless, Nextel Corporation and the City of Sunny Isles Beach to Provide Cellular and Direct Connect Communications to the Police Department**, Attached Hereto as Exhibit "A"; Authorizing the City Manager to Execute Said Agreements and to Do All Things Necessary to Effectuate the Terms of the Agreements; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Manager Russo reported.

Public Speakers: none

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-761 was adopted by a voice vote of 5-0 in favor.**

10G. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Supporting Public Water Transportation** and Joining Other Governing Bodies in Such Support; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Manager Russo reported.

Public Speakers: none

Commissioner Goodman moved and Vice Mayor Thaler seconded a **motion to approve the resolution. Resolution No. 2005-762 was adopted by a voice vote of 5-0 in favor.**

10H. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving an Agreement by and between the City of Sunny Isles Beach and the **Beltman Group for the Relocation of the Administrative Offices and the Police Department to the New Government Center**, in an Amount of \$21,164.000, Attached Hereto as Exhibit "A"; Authorizing the City Manager to Do All Things Necessary to Effectuate the Intent of this Resolution; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Manager Russo reported.

Public Speakers: none

Commissioner Iglesias moved and Vice Mayor Thaler seconded a **motion to approve the resolution. Resolution No. 2005-763 was adopted by a voice vote of 5-0 in favor.**

10I. A Resolution of the City of Sunny Isles Beach, Florida, Authorizing the City Manager to Enter into a **60-Month Lease Agreement with Toshiba Business Solutions for Five (5) Copier/Scanner/Printers**, Attached Hereto as Exhibit "A"; Further Authorizing the City Manager to Execute Said Agreement on Behalf of the City and to Do All Other Things Necessary to Effectuate the Terms of the Agreement; Providing for an Effective Date.

Action: City Clerk Hines read the title and Information Technology Director Derrick Arias reported.

Public Speakers: none

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve**

the resolution. Resolution No. 2005-764 was adopted by a voice vote of 5-0 in favor.

10J. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Providing for the City to **Partner with the North Miami Beach Optimist Little League Baseball Program by Donating \$2,000.00** to Their Operating Fund; Providing for the City Manager to Do All Things Necessary to Effectuate this Resolution; and Providing for an Effective Date.

Action: City Clerk Hines read the title and Cultural and Human Services Director Susan Simpson reported.

Public Speakers: none

Commissioner Iglesias moved and Commissioner Brezin seconded a **motion to approve the resolution. Resolution No. 2005-765 was adopted by a voice vote of 5-0 in favor.**

10K. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Amending Resolution No. 2004-654 and No. 2004-727 by Removing Herb Abramson from and Appointing Trina Duluc to the **Historic Preservation Board** and Changing Ellen Wynne from Voting Member to Lifetime Honorary Member of the Board, and Appointing Bonita Shoki to the Board; Providing for an Effective Date.

Action: City Clerk Hines read the title and Mayor Edelcup reported.

Public Speakers: none

Commissioner Brezin moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-766 was adopted by a voice vote of 5-0 in favor.**

10L. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Awarding Bid No. 04-10-01 to and Entering into a Three-Year Agreement with Cleaning Systems, Inc., for Janitorial Services for Government Facilities**, in an Amount of \$216,120.00, Attached Hereto as Exhibit "A"; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of the Agreement; Providing for an Effective Date.

Action: City Clerk Hines read the title and Public Works Director James Watts reported.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Goodman seconded a **motion to approve the resolution. Resolution No. 2005-767 was adopted by a voice vote of 5-0 in favor.**

10M. Add-On:

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing the City Manager to **Negotiate and Enter Into an Agreement with the United States Postal Service for the Lease of 1,200 Square Feet of Office Space** in the New Sunny Isles Beach Government Center, in Substantially the Same Form and Amount (\$8,400.00) as the Agreement Attached Hereto as Exhibit "A", Providing That Any Changes Are Approved as to Form and Legal Sufficiency by the City Attorney; Providing the City Manager with the Authority to Do All Things Necessary to Effectuate the Terms of this Agreement; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Manager Russo reported.

Public Speakers: none

Commissioner Goodman moved and Commissioner Brezin seconded a **motion to approve the resolution. Resolution No. 2005-768 was adopted by a voice vote of 5-0 in favor.**

10N. Add-On:

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing the City Manager to **Issue a Check in the Amount of \$64,000.00 in Settlement of R.K. Associates'** Demand of the City of Sunny Isles Beach to Pay for the Removal of Interior Walls, Flooring and Improvements to the Present City Hall Leased Premises at 17070 Collins Avenue; Specifically Prohibiting Any Other Payments; Providing the City Manager with the Authority to Do All Things Necessary to Effectuate the Terms of this Agreement; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Manager Russo reported.

Public Speakers: none

Commissioner Goodman moved and Vice Mayor Thaler seconded a **motion to approve the resolution. Resolution No. 2005-769 was adopted by a voice vote of 5-0 in favor.**

11. MOTIONS

None

12. DISCUSSION ITEMS

None

13. CITIZENS' FORUM: REQUESTS, PETITIONS & OTHER COMMUNICATIONS

14. ADJOURNMENT

Commissioner Goodman moved to adjourn, and Mayor Edelcup adjourned the meeting at 9:47 p.m.

Respectfully submitted by:

Approved by the City Commission on Feb. 10, 2005

Jane A. Hines, City Clerk

Norman S. Edelcup, Mayor